

Dear Federal Communications Commission,

I have taken the time to thoroughly read and understand the position of NAB with regards to SDARS operators ability to provide various services that the NAB perceives to be restricted to its member local stations.

As a Sirius subscriber, I appreciate the ability to receive the content provided to me by Sirius. Contrary to the NAB\'s filing, I believe that I do in fact receive niche programming. While this is not exactly the foreign language content, it is underserved After all, there can not be legally any uncensored radio stations that permit adult content. I am sceptical that the FCC would allow the Playboy Radio channel from XM to function as a member NAB station. Similarly, Sirius has a number of controversial channels such as OutQ, which air content that one could not reasonably expect to hear over the local airwaves.

As the FCC is surely aware, the adoption of RDS by the terrestrial broadcasters is largely a failure thus far. I consider myself to be a RDS expert, but as far as I can tell the features that are currently enabled by the RDS are currently not being offered by the NAB member stations. In particular, I am referring to the ability to interrupt broadcasts on other stations in order to provide a current traffic and weather update. The failure of NAB to properly utilize RDS should not preclude the ability of SDARS to implement a similar service and to capitalize on its following success. It is my understanding that the NAB is worried precisely about technologies such as RDS that if properly implemented would impact its business model. However, as the Commission will surely agree, restricting innovation due to a fatally flawed business model is not a viable long-term solution. The United States embraces competitive opportunities in order to make breakthroughs both commercially and technologically and which typically result in heavy windfall of benefits to the consumers.

At the current state of terrestrial broadcasting, if I wish to listen to a traffic update, I am virtually required to tune to an AM band radio station that is allocated an entirely different block of spectrum. The ability to listen to traffic reports while listening to FM stations has largely been supplanted by extensive commercial interruptions. Moreover, as Clear Channel Entertainment, Inc. acquires an increasing amount of local radio stations, the content itself becomes unbearably boring to actually pay attention to. In other words, in order to receive the vital information that NAB claims to provide, I am often required to switch to a different band that is generally technically inferior in terms of perceived sound quality. In conclusion, the FM band stations that broadcast a typical musical format effectively no longer are willing to provide the services that SDARS are willing, able, and eager to provide.

With regards to the statement about localized commercials, both Sirius and XM broadcast commercial-free streams of content. It is in fact a cornerstone of their business models as they derive revenue from subscription fees and other operations. In contrast, the local NAB member stations rely heavily on localized advertising revenues. The NAB should realize that satellite radio customers are willing and able to pay a premium for commercial-free programming. As I stated above, stifling innovation in order to compensate for a fatally flawed business model is in fact counter-productive.

The NAB should be forced to be more competitive as the current state of the industry is slowly but surely becoming focused solely on the most profitable local demographic while ignoring all other local groups. For instance, I cannot tolerate listening to the predominantly country music formats as I am driving between San Francisco and Los Angeles. As primary demographic profiles change, so do the local formats. In this case, my interests that would be considered

semi-mainstream in a major metropolitan area are actually very much niche content elsewhere in the US. As such, the SDARS are fulfilling their obligation to provide niche content, just not necessarily as the way it was originally envisioned.

As far as variety of content goes, I know for a fact that Sirius only has about 4.4mbps of bandwidth available to broadcast all of its content. As such, it has to continuously innovate in the data compression field in order to be able to provide its subscribers with the desired content.

As long as SDARS providers are not focusing on specific demographic in a manner than NAB member stations do, they are in fact providing a uniform national-level service. The SDARS provider should not be restricted from innovating within its allocated spectrum space in order to improve its business. Examples would include but not be limited to GPS-localized instant traffic updates, video content, localized weather and so forth. Fundamentally, the SDARS business model remains as its being a predominantly national service provider. The subscribers are in fact choosing to remain with such a provider voluntarily and would certainly appreciate value-added services that my provider of choice provides. If RDS were to function properly, I would accept the AM-band traffic updates that would interrupt my satellite signal. However, the terrestrial technology simply does not work as advertised consistently, and the satellite-based technology is fully capable of providing me with the necessary information immediately.

In light of all of these comments, I respectfully urge the commission to deny NAB\'s request.

Very truly yours,

Leonid S. Knyshov, a Sirius subscriber